

**Notice of Allowability**

Application No.

10/085,969

Examiner

Pedro J. Cuevas

Applicant(s)

SIMONDS, EDWARD L.

Art Unit

2834

MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on October 20, 2003.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 20 April 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

**DETAILED ACTION**

*Allowable Subject Matter*

1. Claims 1-20 are allowed.

Thomas clearly teaches the construction of an air powered water propulsion method and apparatus comprising:

- means for providing a pressurized fluid;
- a first means/pressurized fluid line coupled to said providing means for transporting a pressurized fluid;
- second means/pressurized fluid line for transporting a pressurized fluid;
- a fluid regulator coupled to said first transporting means and to said second transporting means;
- means coupled to said fluid regulator for allowing breathing of a fluid passing through the regulator; and
- means coupled to said fluid regulator for converting pressurized fluid into mechanical power in the form of rotational motion, i.e. mechanical energy; wherein said converting means is a vane motor comprising a plurality of vanes in fluid communication with said first providing means.

Thomas also disclose a method for converting pressurized fluid into power comprising:

- providing a fluid regulator;
- providing pressurized fluid to said regulator; and
- converting said pressurized fluid to mechanical motion prior to said pressurized fluid reaching said fluid regulator.

Garnier teach the construction of an electric generator drive having an electrical generator and a turbine for the purpose of providing an electric generator device for use at an underwater drilling installation.

Simonds teach the construction of a fluid motor comprising: an outer race centered about a first axis, an inner race centered about a second axis, wherein said first axis is different from and parallel to said second axis, and a vane coupled for movement relative to said inner race, for the purpose of providing a long-wearing motor capable of withstanding vane contact with small amounts of particulate matter.

2. The following is an examiner's statement of reasons for allowance.

The prior art of record, taken alone or in combination, fails to teach the construction of a fluid pressure regulator, regulator assembly and method for converting pressurized fluid into power as described on independent claims 1, 11, and 17, comprising:

a fluid regulator coupled to said first transporting means / pressurized fluid line and to said second transporting means / pressurized fluid line; and

means coupled in fluid communication with said reservoir between said first means and said fluid regulator for converting pressurized fluid into mechanical power / energy.

Dependent claims 2-10, 12-16, and 18-20 are considered allowable by their respective dependence on allowed independent claims 1, 11, and 17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

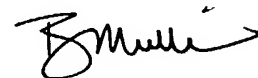
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (703) 308-4904. The examiner can normally be reached on M-F from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor R. Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Pedro J. Cuevas  
January 13, 2004



BURTON S. MULLINS  
PRIMARY EXAMINER